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## **TWO MEN FACE CHARGES FOR ILLEGALLY PURCHASING 58 FIREARMS**

### ***58 Firearms Illegally Purchased in Arizona; 18 Recovered in the Bay Area***

PHOENIX — United States Attorneys in Arizona and California joined federal and local law enforcement officials Monday to announce that a federal grand jury in Arizona has indicted Philip A. Fonsworth-McCorvey, of Glendale, and Andre Burr, of San Francisco, for conspiracy to make false statements, and making false statements in connection with the acquisition of firearms. The indictment is the result of an 11 month investigation by the U.S. Attorney's Office for the District of Arizona, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the San Francisco Police Department.

U.S. Attorney for the District of Arizona Paul K. Charlton said, "These indictments reflect the ability of federal, state and local law enforcement to effectively coordinate across borders to identify illegal gun purchases and stop the flow of arms to criminals."

U.S. Attorney for the Northern District of California, Kevin V. Ryan stated, "We fully support the prosecution of straw purchasers who are responsible for providing guns to others who may not be able to legally obtain them otherwise. I thank our colleagues at the ATF, the San Francisco Police Department, and the Arizona U.S. Attorney's Office for their outstanding coordination in this effort."

McCorvey, 21, is charged with one count of conspiracy, in violation of 18 U.S.C. § 371, and nine counts of making false statements in connection with the acquisition of firearms, in violation of 18 U.S.C. § 924(a)(1)(A). Burr, 28, is charged with one count of conspiracy, in violation of 18 U.S.C. § 371, and one count of making false statements in connection with the acquisition of firearms, in violation of 18 U.S.C. § 924(a)(1)(A).

"Individuals who move firearms from the legal to illegal market do so to arm prohibited persons like drug dealers and gang members. With the support of the U.S. Attorneys Offices in California and Phoenix, ATF and its state and local partners will continue to identify and prosecute people who illegally traffic firearms", said Stephen K. Martin, Special Agent In Charge of ATF's San Francisco Field Division.

According to the indictment, Mr. McCorvey was contacted by a third party at some time before June 16, 2005. This third party repeatedly gave Mr. McCorvey instructions on which firearms to purchase and the money to purchase the firearms. In one instance, Mr. Burr contacted Mr. McCorvey and gave Mr. McCorvey instructions on which firearm to purchase and the money to purchase the firearm. Mr. McCorvey knowingly and unlawfully purchased the firearms in Arizona for this third-party and Mr. Burr. According to the indictment, between June 16, 2005,

and October 29, 2005, Mr. McCorvey illegally purchased 58 firearms.

The indictment alleges that Mr. McCorvey, when purchasing the firearms, filled out a Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) form and falsely represented that he was the true purchaser of the firearm, when in reality, the true purchasers of the firearms were the third party and Mr. Burr. Furthermore, in an attempt to conceal the purchase of these handguns, on or about August 1, 2005, Mr. McCorvey contacted the Phoenix Police Department, falsely indicated that he was a collector of handguns, and falsely indicated that his car and eighteen guns stored therein had been stolen.

To this date, eighteen of the 58 firearms allegedly purchased by Mr. McCorvey have been recovered in the Bay Area, and two of the firearms purchased by Mr. McCorvey have been recovered in Oklahoma.

McCorvey turned himself into authorities on Friday, September 29, and made his initial appearance in federal court on that same day. McCorvey was released on bail and is scheduled to appear at trial on November 14, 2006, before judge David G. Campbell, U.S. District Court.

The maximum statutory penalty for each count of conspiracy, in violation of 18 U.S.C. § 371 is five years imprisonment and a fine of \$ 250,000. The maximum statutory penalty for each count of making false statements in connection with the acquisition of firearms, in violation of 18 U.S.C. § 924(a)(1)(A), is five years imprisonment and a fine of \$250,000.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the San Francisco Police Department. The prosecution is being handled by Michael A. Lee, Assistant U.S. Attorney, District of Arizona, Phoenix and Tip Mazzucco, Assistant U.S. Attorney, Northern District of California, San Francisco.

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